



STATE OF MICHIGAN

Jennifer M. Granholm
GOVERNOR

DEPARTMENT OF LABOR & ECONOMIC GROWTH
DAVID C. HOLLISTER
DIRECTOR

Michigan Occupational
Safety & Health Administration
(MIOSHA)

CONSTRUCTION SAFETY STANDARDS COMMISSION MEETING

January 20, 2006—1:00 p.m.
Big Ten C, Kellogg Conference Center, Lansing

MINUTES

COMMISSIONERS PRESENT:

Tom Boensch
Lynn Coleman
Ram Gunabalan
Peter Strazdas
Gregg Newsom

Larry Redfearn
Don Staley
Valerie Warren
Timothy Wise

COMMISSIONERS ABSENT:

None

STAFF PRESENT:

John Peck	Management & Technical Services Division Director
Marsha Parrott-Boyle	MIOSHA Standards Section Program Manager
Bob Pawlowski	MIOSHA Construction Safety & Health Division Director
Cindy D. Eicher	MIOSHA Standards Section

VISITORS:

Peter Anderson	Associated General Contractors
Daniel S. Zechmeister	Masonry Institute of Michigan

MISSION STATEMENT

THE MISSION OF THE CONSTRUCTION SAFETY STANDARDS COMMISSION IS TO PROVIDE THE LEADERSHIP AND VISION NECESSARY TO ENSURE A SAFE WORK ENVIRONMENT FOR THE MICHIGAN CONSTRUCTION COMMUNITY.

THE COMMISSION INVOLVES EMPLOYEES AND EMPLOYERS IN THE DEVELOPMENT OF SAFETY STANDARDS AS IT ENDEAVORS TO CONTINUALLY EXAMINE AND IMPROVE THOSE STANDARDS FOR PURPOSE, CLARITY, APPLICABILITY, ENFORCEABILITY, AND COST EFFECTIVENESS.

IT IS OUR VISION THAT WE BECOME A NATIONAL LEADER IN SAFETY FOR INDUSTRY BY INCORPORATING THE CHANGING NEEDS OF NEW TECHNOLOGIES AND METHODS INTO OUR STANDARDS.

Agenda Item #1--Call to Order and Roll Call

Marsha Parrott-Boyle called the January 20, 2006 meeting to order. A roll call was taken and a quorum was present.

The commissioners and staff all introduced themselves. Mr. Pete Anderson welcomed the Construction Safety Standards Commission to Michigan Construction Safety Day. He further informed them that they also held a safety day in Michigan's Upper Peninsula in February each year.

Agenda Item #2—Election of Officers

Marsha Parrott-Boyle facilitated the annual election and explained they needed to elect a Chairperson and Vice Chairperson for calendar year 2006. A motion was made by Commissioner Strazdas and seconded by Commissioner Newsom to nominate Commissioner Wise as chairperson. Commissioner Wise accepted the nomination. **MOTION CARRIED UNANIMOUSLY.**

A motion was made by Commissioner Newsom and seconded by Commissioner Strazdas to nominate Commissioner Redfearn as vice chairperson. Commissioner Redfearn accepted the nomination. **MOTION CARRIED UNANIMOUSLY.**

Marsha Parrott-Boyle turned the meeting over to newly elected Chairperson Wise.

Agenda Item #3--Approval of Minutes for August 23, 2005 Meeting

A motion was made by Commissioner Newsom and seconded by Commissioner Coleman to approve the minutes of the October 12, 2005 meeting. **MOTION CARRIED UNANIMOUSLY.**

Chairperson Wise modified the order of the agenda in order to accommodate schedules and moved New Business to the front of the agenda and added an additional item of new business, Part 2 Masonry Wall Bracing.

Agenda Item #9-- New Business

CS Part 22 Signals, Signs, Tags and Barricades

Marsha Parrott-Boyle outlined the proposed changes to CS Part 22, Signals, Signs, Tags and Barricades which would update the standard to reflect the 2005 edition of the Michigan Manual of Uniform Traffic Control Devices, (MMUTCD, 2003 Federal MUTCD with 2005 Michigan supplement) which is adopted in these rules by reference. It also updates ordering information for references materials and consolidates all ordering information into one rule and adds a reference to the appropriate section for the appendix. The draft document was reviewed page by page by the commissioners. Addition discussion was held regarding if a change to the title would be appropriate and if any other construction standards should be are included in the applicability section.

A motion was made by Commissioner Coleman and seconded by Commissioner Redfearn to open CS Part 22, Signals, Signs, Tags and Barricades to have this standard updated to reflect 2005 edition of the Michigan Manual of Uniform Traffic Control Devices, (MMUTCD) (2003 Federal MUTCD with 2005 Michigan supplement), to clean up the formatting and to add the reference to the appendix in the appropriate section. **MOTION CARRIED UNANIMOUSLY.**

CS Tower Erection Advisory Committee Applications

Marsha Parrott-Boyle reviewed the background of the request for a standard for tower erection. Ms. Parrott-Boyle indicated once an advisory committee was formed they would probably meet for approximately a year or more to write a proposed new standard. Applications of the following candidates were reviewed:

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|--------------------------|-----------------------|
| i. William L. Borch | ii. James M. Conley |
| iii. Rex DeVree | iv. Keith T. Sarns |
| v. Donald T. Doty | vi. Patrick M. Howey |
| vii. Zane Preston Walker | viii. Patrick McGuirl |
| ix. Terry L. Martin | x. Vincent Palazzolo |

The committee noted that two of the applicants were located out of state. The commissioners discussed the increased costs that could be added by paying for expenses for members that were located out of state. The alternative of teleconferencing was discussed.

A motion was made by Commissioner Strazdas and seconded by Commissioner Coleman to appoint William Borch, James Conley, Rex DeVree, Keith Sarns, Zane Preston Walker, Patrick McGuirl, Terry Martin and Vincent Palazzolo as members and Patrick Howey and Donald Doty as technical advisors to the CS Tower Erection Advisory Committee. **MOTION CARRIED UNANIMOUSLY.**

CS Part 2 Masonry Wall Bracing

The Commissioners received and reviewed a letter from Daniel Zechmeister of the Masonry Institute of Michigan regarding their concerns that the current Part 2 Masonry Wall Bracing standard has errors, omissions and inconsistencies which were detailed in their letter. Mr. Zechmeister reported to the commission that walls today are built taller than those that were built in the 1970's and 1980's when this standard was written and that it needed to be updated to newer technology including taller wall bracing.

A motion was made by Commissioner Staley and seconded by Commissioner Warren to open CS Part 2 Masonry Wall Bracing and to form an advisory committee to address the errors, omission and inconsistencies outlined in the communication from the Masonry Institute of Michigan dated January 20, 2006 and to update the standard to include taller walls. **MOTION CARRIED UNANIMOUSLY.**

Agenda Item #4--Standards Section Update-- Marsha Parrott-Boyle, Program Manager

Marsha Parrott-Boyle informed the Commissions that the Standards Section was currently fully staffed and was picking up the pace increasing the standards being worked on. Ms. Parrott-Boyle reviewed the "MIOSHA Goals for FY 2004-2009" and indicated the Standards Section is striving to reduce the backlog of standards to be reviewed by 70% in this five year period.

A handout was distributed and discussed summarizing standards in the promulgation process. An update was given of the progress for rules undergoing revision at this time.

Agenda Item #5--Construction Safety & Health Division Update--Bob Pawlowski, Director

Mr. Pawlowski stated that he makes an effort to attend all the Construction Safety Standards Commission Meetings as well as the Occupational Health Standards Commission Meetings. If he cannot attend, he sends a representative from his division in his place.

Mr. Pawlowski advised that for calendar year 2005 there were seventeen construction fatalities. He detailed that nine were related to falls, four due to electrocution and three due to a trench/cave-in and one struck by. The struck by was the only new fatality since the Commission last met in October. Mr. Pawlowski also shared with the commissioners a significant case in which MIOSHA issued a citation containing five willful items to West Dig Contractors totaling \$194,000.00. These items were related to two separate instances occurring about 5 weeks apart.

Mr. Pawlowski informed the commissioners that the Construction Safety & Health Division (CSHD) conducted a total of 2,349 inspections and issued 6,345 violations in fiscal year 2005. The CSHD is continuing to increase the number of joint inspections between construction safety officers and industrial hygienists. In fiscal year 2005 a total of 167 joint inspections were conducted. Mr. Pawlowski stated the that division currently has 19 safety officers and 7 industrial hygienists

The CSHD is continuing to work on the fall protection and fall hazards training initiative and is currently setting up seminars in response to the to the letters that were previously sent out to employers inviting them to contact MIOSHA for fall protection training. Over 150 responses were received.

The CSHD has posted on the MIOSHA website 13 "Construction Fact Sheets". Two additional Fact Sheets are in the works currently. The latest one posted is Respiratory Protection in Construction.

Mr. Pawlowski advised that a one day Construction Forum was planned for March 6, 2006 at Schoolcraft College. This would be similar to the Governor's Workplace Safety and Health Forum that was held in November, 2005.

The division is continuing to focus more inspection time on residential construction, both single and multi-family dwellings. This includes inspecting smaller employers.

Mr. Pawlowski gave the commissioners an update on the partnerships and alliances the division has established and the ones under proposal.

Agenda Item #6--Michigan OSHA Update— John Peck, Director

Mr. John Peck informed the commissioners that MIOSHA has undergone a change in administration structuring and that Martha Yoder has serve as Deputy Direction and provided the overall direction for the enforcement divisions since the reorganization two years ago. Effective January 9, 2006 and Martha has direct responsibility for all five divisions within MIOSHA.

Mr. Peck also advised that effective February 3, 2006 David Hollister will no longer be the Director of the Michigan Department of Labor and Economic Growth. As of this meeting date, no new director has been named, but the information will be passed along after it is received.

Mr. Peck announced that the MIOSHA offices will be relocated from the General Office Building to the Hollister Building in downtown Lansing in early April. MIOSHA will work out of the Hollister building approximately six months while our space in the General Office Building is updated with necessary electrical and ventilation technology.

MIOSHA is constantly working to improve consistency between the enforcement divisions. The Field Operations Manual has recently been updated and all field staff, supervisors and consultants will be trained on the updates.

Agenda Item #7-- Cynthia Hutchens-Smith, Lansing Area OSHA Director

Ms. Cynthia Hutchens-Smith informed the commissioners that she tries to attend all commission meetings but with an office of only four staff, sometimes she is unable to get away from the office to attend every meeting.

Ms. Hutchens-Smith advised that federal OHSA funds 50% of the state program and that when MIOSHA promulgates a standard, one step in the process is to submit the proposed standard to federal OSHA. Further, when federal OHSA revises or issues a standard MIOSHA is notified and has six months to adopt new OSHA standards. MIOSHA may either adopt the standard as written by federal OHSA or they may write their own as long as they are as effective as the standard adopted by OSHA.

Ms. Hutchens-Smith advised the commissioners that every year OHSA publishes a list of what they will be working on for the year and that can be viewed by going to www.osha.gov and selecting unified agenda. In September of 2005 OSHA issued a notice of the standards identified that would be revised and the states were strongly encouraged to take a look at those. Ms. Hutchens-Smith advised some of the items on the unified agenda for the coming year are crystalline silica, beryllium, assigned protection factors for respirators, hexavalent chromium and hearing conservation

Agenda Item #8--Old Business

CS Part 26, Steel Erection, Public Hearing – November 29, 2005.

The commissioners discussed public hearing written and verbal comments from the hearing held November 29, 2005 including letters of support as well as the letters of opposition received by the Standards Section and a summary of the oral comments received at the public hearing. The commissioners stated that they placed more substantial weight to the voices that were within Michigan. The commissioners felt a wide range of support was received and a large group of organizations were represented and they desire to move forward with the promulgation process, as previously directed.

Agenda Item #10--Next Scheduled Meeting

The next scheduled meeting is May 10, 2006 at 9:30 am in the General Office Building in Lansing.

Agenda Item #11--Public Comment

None

Agenda Item #12--Adjournment

With no further business before the Commission, the meeting was adjourned

Timothy Wise, Chairperson

Date